

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

OP.No. 6336 of 2003(D)

PETITIONER:

N.NIRMALA, AGED 52 YEARS,
W/O. P.N.GOPALAKRSHNAN, 'SOORYA', PALAKIZH HOUSE,
K.E.M. NAGAR, CHITUR, PALAKKAD DISTRICT.
WORKING AS AEO KOLLENGODE, PALAKKAD.

BY ADV. SRI.M.P.KRISHNAN NAIR
SRI.K.MANOJ

RESPONDENTS:

1. STATE OF KERALA, REP.BY CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. SECRETARY, FINANCE DEPARTMENT (PRU)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION, PALAKKAD.
4. DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA.
5. ACCOUNTANT GENERAL (A&E), KERALA,
THIRUVANANTHAPURAM.

BY GOVT PLEADER SMT.SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP NO.11136 OF 2003 IN OP NO.6336 OF 2003 D

//DISMISSED//

13.07.2007.

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE GOVERNMENT ORDER NO.G.O.(P) NO.615/97(138) FIN DATED 28.6.1997.

EXT.P2: TRUE COPY OF THE G.O.(P)NO.352/96(86) FIN DATED 11.4.1996.

EXT.P3: TRUE COPY OF THE G.O.(P)NO.38/98(152) FIN DATED 5.1.1998.

EXT.P4: TRUE COPY OF THE G.O.(P)NO.399/(178) FIN DATED 5.2.1999.

EXT.P5: TRUE COPY OF THE G.O.(MS)NO.1333/99 FIN DATED 30.4.1999.

EXT.P6: TRUE COPY OF THE G.O.(P)NO.1503/(180) FIN DATED 22.6.1999.

EXT.P7: TRUE COPY OF THE LETTER NO.GE.9/B/GEDN/N.114/550 DATED 20.8.01 ISSUED BY THE 5TH RESPONDENT.

EXT.P8: TRUE COPY OF THE REPRESENTATION DATED 5.1.2002 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P9: TRUE COPY OF THE REPRESENTATION DATED 19.7.2002 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE LETTER NO.32842/C2/02/G.EDN. DATED 3.10.2002 ISSUED BY THE 1ST RESPONDENT.

EXT.P11: TRUE COPY OF THE JUDGMENT DATED 11.3.2002 IN OP NO.20280/01 L PASSED BY THE HON'BLE HIGH COURT OF KERALA.

EXT.P12: TRUE COPY OF THE JUDGMENT DATED 25.9.2002 IN W.A.2293/02 PASSED BY THE HON'BLE HIGH COURT OF KERALA.

EXT.P13: TRUE COPY OF the ORDER NO.27961/PRO.1/2000/FIN DATED 26.5.2000 ISSUED BY THE FINANCE SECRETARY.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.6336 OF 2003

Dated this the 13th day of July, 2007

JUDGMENT

Heard.

2. The case put forward by the petitioner for an opportunity to exercise re-option with effect from 1.7.1995 apparently stands answered, in so far as the questions of law are concerned, by Ext.P11 judgment, as confirmed by the Division Bench as per Ext.P12. Accordingly, this writ petition is disposed of directing that the impugned orders will not be relied on against the petitioner and she will be entitled to exercise re-option with effect from 1.7.1995 and in terms of Exts.P11 and P12 judgments. The recovery order, as it stands now, is hereby quashed and the respondents are directed to finalise the case of the petitioner, including the grant of retiral benefits, within an outer limit of three months from the date of receipt of a copy of this judgment.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,
Judge**

k kb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.6336 OF 2003

JUDGMENT

13TH JULY, 2007.

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